

**CITY OF EL PASO, TEXAS**  
**AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** PLANNING

**AGENDA DATE:** INTRO ON 4/12/05 AND PUBLIC HEARING ON 4/26/05

**CONTACT PERSON/PHONE:** Rudy Valdez/4635

**DISTRICT(S) AFFECTED:** 1 - 8

**SUBJECT:**

**AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS) OF THE EL PASO MUNICIPAL CODE BY AMENDING CHAPTERS 19.16 (IMPROVEMENT STANDARDS AND DESIGN PRINCIPLES) SECTION 19.16.020 (STREETS) SUBSECTION 19.16.020.P (VEHICULAR ACCESS) TO PROVIDE CERTAIN ASSURANCES TO A SUBDIVIDER WHO HAS OFFERED TO DEDICATE MORE LAND THAN THE CITY IS WILLING TO ACCEPT. THE PENALTY IS AS PROVIDED IN SECTION 19.04.190 OF THE CODE.**

**BACKGROUND / DISCUSSION:**

**Amendment to Subdivision Ordinance will permit dedication of rights-of-way other than those currently permitted in the Code when there has been a prior City Council action to require a different right-of-way width.**

**PRIOR COUNCIL ACTION:**

**None**

**AMOUNT AND SOURCE OF FUNDING:**

**N/A**

**BOARD / COMMISSION ACTION:**

**Recommendations are pending.**

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**\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\***

**LEGAL:** (if required) \_\_\_\_\_ **FINANCE:** (if required) \_\_\_\_\_

**DEPARTMENT HEAD:** George Sarmiento, AICP

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS) OF THE EL PASO MUNICIPAL CODE BY AMENDING CHAPTERS 19.16 (IMPROVEMENT STANDARDS AND DESIGN PRINCIPLES) SECTION 19.16.020 (STREETS) SUBSECTION 19.16.020.P (VEHICULAR ACCESS) TO PROVIDE CERTAIN ASSURANCES TO A SUBDIVIDER WHO HAS OFFERED TO DEDICATE MORE LAND THAN THE CITY IS WILLING TO ACCEPT. THE PENALTY IS AS PROVIDED IN SECTION 19.04.190 OF THE CODE.**

**WHEREAS**, the subdivision regulations for the City of El Paso have been established for the purpose of promoting the health, safety, morals and the general welfare of its citizens; and

**WHEREAS**, the subdivision regulations have been adopted in accordance with *The Plan for El Paso*; and

**WHEREAS**, the Development Coordinating Committee (DCC) recommends the amendments provided for herein; and

**WHEREAS**, the DCC recommendation was submitted for consideration and approval by the City Plan Commission (CPC), and the CPC has recommended the adoption of the subdivision regulations as herein enumerated; and

**WHEREAS**, the El Paso City Council finds that the adoption of the amended subdivision regulations as herein enumerated will have no negative impact upon the public health, safety, morals and general welfare of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**1.** That Chapter 19.16 (Improvement Standards and Design Principles) of Title 19 (Subdivisions) of the El Paso Municipal Code shall be and hereby is amended by deleting Subsection 19.16.020.P (Vehicular Access), in its entirety and replacing as follows:

**P. Vehicular Access**

**1.** Abutting Proposed Subdivision.

The city plan commission shall, as part of a subdivision application review, make a determination on whether the existing vehicular access to the subdivision is capable of adequately supporting and servicing the physical area and designated intensity of the proposed subdivision, including vehicle trips generated, proposed utilization of property, and other relevant factors. Where a determination is made by the city plan commission that the existing vehicular access is inadequate to sustain the increased intensity of the proposed subdivision and will be detrimental to the public safety, the subdivision shall be disapproved. The determination made by the commission shall be based on findings of a traffic impact study prepared by the subdivider. Provided however, no traffic impact study and no city plan commission

determination regarding access shall be required pursuant to this subsection when city council has taken action to require a lesser roadway width than that offered pursuant to either an accepted metes and bounds right-of-way dedication or approved developer participation contract. This exception shall apply to the number, location, and capacity of access to the subdivision as approved by the city council. Waiver of the requirement of a traffic impact study and city plan commission determination regarding access, shall only apply to the maximum allowable density of the subdivider's development area at the time of the acceptance of the metes and bounds right-of-way dedication or execution of the developer participation contract by city council. Any subsequent increase in density for the development area shall automatically trigger the requirements of this subsection as to the overall density for the development area. Notwithstanding any other conflicting provision of the El Paso Municipal Code concerning vehicular access, this exception, when in accordance with council action, will prevail.

2. Within Proposed Subdivision.

- a. All lots in a subdivision shall have access. The access shall be subject to review and approval by the city plan commission as to the number, location and capacity of such access.
- b. Whenever a street is required between two properties and one property owner does not contribute the prorata share of the required right-of-way, the entire right-of-way shall be provided by the other property owner. The noncontributing property owner shall be denied access unless waived by the contributing property owner. A note shall be placed on the face of the subdivision to this effect.

7. Except as herein amended, Title 19 (Subdivisions) of the El Paso Municipal Code shall remain in full force and effect.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2005.

**THE CITY OF EL PASO**

\_\_\_\_\_  
Joe Wardy, Mayor

**ATTEST:**

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Richarda D. Momsen  
Municipal Clerk

**APPROVED AS TO FORM:**

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Matt Watson  
Asst. City Attorney

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Patricia D. Adauto, Deputy City Manager  
Building & Planning Services